

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LOU TYLER,
Plaintiff,

v.

OCWEN LOAN SERVICING, et al.,
Defendants.

§
§
§
§
§
§
§

Civil Action No. 3:15-CV-1117-N-BK


**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case.¹ No objections were filed by Plaintiff although she did file a *Notice of Appeal* to the Court of Appeals for the Fifth Circuit. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Accordingly, Plaintiff's *Motion for Default Judgment* is **DENIED**, and Defendant's *Motion to Dismiss* is **GRANTED**.

SO ORDERED on September 14, 2015.

¹ On August 7, 2015, Tyler filed a notice of interlocutory appeal. *See* Notice of Interlocutory Appeal [18]. **Error! Main Document Only.** Despite Tyler's appeal, the Court retains jurisdiction to enter this Order. *See United States v. Green*, 882 F.2d 999, 1001 (5th Cir. 1989) (holding notice of appeal from a nonappealable order does not divest the district court of jurisdiction); *United States v. Hitchmon*, 602 F.2d 689, 693 (5th Cir. 1979) (noting the contrary rule "leaves the court powerless to prevent intentional dilatory tactics, forecloses without remedy the nonappealing party's right to continuing trial court jurisdiction, and inhibits the smooth and efficient functioning of the judicial process), *superseded on other grounds as recognized in United States v. Martinez*, 763 F.2d 1297, 1308 n.11 (11th Cir. 1985). Tyler's notice of interlocutory appeal in this action purports to appeal the Magistrate Judge's Findings, Conclusions, and Recommendation, which is nonappealable. Accordingly, this Court retains jurisdiction to issue this order.


UNITED STATES DISTRICT JUDGE